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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YOSHIFUMI TAKEYAMA ET AL.) : Examiner: M. Miggins
Application No.: 09/840,893) : Group Art Unit: 1725
Filed: April 25, 2001) :
For: NON-CONTACT TREATMENT)
METHOD : March 25, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF
ERRONEOUSLY-ISSUED NOTICE OF ABANDONMENT

Sir:

Applicants have received a Notice of Abandonment dated March 15, 2004, in the above-identified application. The Notice of Abandonment states that the application has been abandoned for failure to make a timely reply to the non-final Office Action mailed July 16, 2003, which set a three month shortened statutory period for response. However, Applicants submit that an Amendment in response to the July 16, 2003 non-final Office Action was timely filed in the Patent and Trademark Office on October 16, 2003, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office's official stamp of receipt. Applicants note that the stamped return postcard is *prima facie* evidence that the Amendment was timely filed in the Patent and Trademark Office, and that the present application therefore was not in fact abandoned.

For the Patent and Trademark Office's convenience, a copy of the Amendment originally filed on October 16, 2003 is enclosed herewith.

It is believed that no fee is required for action on this Request; for any fee that is required, please charge Deposit Account 06-1205.

In view of the foregoing, it is respectfully requested that the erroneous Notice of Abandonment be withdrawn, and that the present application be returned to pending status.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

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NY_MAIN 417416v1



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 10, 16, 03
Mo. Day Yr.
Atty. Docket 02500, 013231.2
Application No. 09/840,893

Sir:

Kindly acknowledge receipt of the accompanying:

Response to Official Action. dated 7/16/03

Check for \$ _____ (claims fee)

Petition under 37 CFR 1.136 and Check for \$ _____

Notice of Appeal and Check for \$ _____

Information Disclosure Statement, PTO-1449 and _____

Claim for priority and certified copies of _____ priority applications

Issue fee transmittal and Check for \$ _____

Other (specify) _____

by placing your receiving date stamp hereon and mailing or returning to deliverer.

Atty. JMO Due Date 10, 16, 03
Mo. Day Yr.

37 CFR 1.8
37 CFR 1.10
By Hand

FOH-B-S189

